



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dunn, Director**

**EPD Director's Office**

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APR 13 2018

RCUD-APR16'18#10:48

Mr. Trey Glenn  
Regional Administrator  
U.S. EPA, Region IV  
61 Forsyth Street SW  
Atlanta, GA 30303

RE: Request to Approve Georgia's Coal Combustion Residuals Permit Program

Dear Mr. Glenn,

The Georgia Environmental Protection Division (EPD) is submitting Georgia's Coal Combustion Residuals (CCR) Permit Program for full approval and amendments to the Rules for Solid Waste Management, Chapter 391-3-4, for incorporation into Georgia's Solid Waste Management Plan dated 1981. The Water Infrastructure Improvements for the Nation Act (WIIN Act) Title II Subtitle C Section 2301 provides for the approval of state programs for control of coal combustion residuals. The Georgia EPD will be the lead agency for the CCR Permit Program.

The Georgia Department of Natural Resources Board adopted amendments to the Rules for Solid Waste Management on October 26, 2016 and February 28, 2018, and the amended rules became effective on November 22, 2016 and March 28, 2018 respectively. The 2016 amendments included a new section (391-3-4-.10) entitled Coal Combustion Residuals that applies to owners and operators of new and existing landfills and surface impoundments for CCR generated by the combustion of coal at electric utilities and independent power producers. The 2018 amendments updated the CCR section to reflect the changes made in U.S. EPA's CCR regulations published in the Federal Register on August 5, 2016. Other amendments to the rules included new definitions, handling of solid waste permits, public participation, criteria for siting, closure and post closure criteria, groundwater monitoring and corrective action, and measuring and reporting requirements. All of the references contained in the EPD Rules for 40 CFR 257.60 through 257.107 are based on the Federal CCR Rule and amendments published in the Federal Register on April 17, 2015, July 2, 2015, and August 5, 2016.

EPD has performed an equivalency demonstration using the 40 CFR 257 checklist for CCR Landfills, Surface Impoundments & Lateral Expansion Requirements dated February 23, 2017. Based on the side by side comparison of the Federal requirements, EPD demonstrates that the State's CCR permit program is at least as protective as the applicable criteria for CCR units under Part 257 of Title 40, Code of Federal Regulations. EPD has incorporated all of the Federal requirements in the enclosed

checklists and has additional requirements that will make it more protective than Part 257. EPD's Rules include requirements for two hundred foot buffers between the waste disposal boundary and boundary of the permitted facility and five hundred foot buffers between the waste disposal boundary and any occupied dwelling for new and lateral expansions of CCR units. In addition, EPD is regulating inactive CCR landfills, NPDES – CCR Surface Impoundments, and Dewatered Surface Impoundments, all of which are not included in the Federal requirements. EPD's rule addresses CCR permitting requirements in 391-3-4-.10 (9) Permits. EPD's rule 391-3-4-.10 (10) requires that CCR units meet financial assurance requirements.

As a part of this CCR Permit Program Application, EPD has provided the following documents for review:

- Legal Certification
- Narrative
- Links to On-line References
- 1993 Application for Georgia's Solid Waste Permit Program Approval
- Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-4 Solid Waste Management, effective March 28, 2018
- Public Participation Memorandum and Templates
- 40 CFR 257 Checklist for CCR Landfills and CCR Surface Impoundments

If you or your staff have any questions or need additional documents concerning this request to approve the Georgia CCR Permit Program into Georgia's Solid Waste Management Plan, please contact William Cook, Program Manager for the Solid Waste Management Program, at 404-362-4500 or [william.cook@dnr.ga.gov](mailto:william.cook@dnr.ga.gov).

Sincerely,  
  
Richard E. Dunn  
Director

Enclosures

C: Davy Simonson, EPA Region IV  
Jeff Cown, Branch Chief  
Sarah Visser, Assistant Branch Chief  
William Cook, Program Manager